

**REMARKS**

The Applicants wish to thank the Examiner for thoroughly reviewing and considering the pending application. The Office Action dated October 18, 2004 has been received and carefully reviewed. Claims 1-5 have been amended. Claims 11-21 have been withdrawn. Claims 1-21 are currently pending. No new matter has been added. Reexamination and reconsideration are respectfully requested.

The Office Action rejected claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over the Applicant's Related Art (ARA) in view of U.S. Patent No. 5,802,957 to *Wanat et al.* (hereinafter "*Wanat*") or U.S. Patent No. 6,123,012 to *Hardin et al.* (hereinafter "*Hardin*"). The Applicants respectfully traverse the rejection.

As required in Chapter 2143.03 of the M.P.E.P., in order to "establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art." The Applicants respectfully submit that neither the ARA, *Wanat* nor *Hardin*, either singularly or in combination, disclose or suggest each and every element recited in claims 1-10. In particular, claim 1 recites a toaster cum microwave oven comprising, in part, "a memory configured to store a voltage level of a heater." None of the cited references disclose or suggest memory as recited in claim 1 either singularly or in combination. As such, the Applicants submit that claim 1 is patentable over the ARA in view of *Wanat* or *Hardin* under 35 U.S.C. § 103(a) and request withdrawal of the rejection. Similarly, claims 2-4, which depend from claim 1, are also patentable for at least the same reasons.

Claim 5 has been amended to recite a method for operating a toaster with microwave oven, comprising, among other features, "setting a toasting time period according to the selected function of the toaster, the inside temperature of the toaster and a voltage level of the heater." The Applicants submit that none of the cited references, either singularly or in combination,

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**Reply to Office Action dated October 18, 2004**

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disclose or suggest these features. Accordingly, claim 5 is allowable over the ARA in view of *Wanat* or *Hardin* under 35 U.S.C. § 103(a) and the Applicants request withdrawal of the rejection. Likewise, claims 6-10, which depend from claim 5, are allowable for at least the same reasons.

The Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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